



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

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Mailed and Filed: NOVEMBER 16, 2022

IN THE MATTER OF:

Appeal Board No. 624967

PRESENT: MICHAEL T. GREASON, MEMBER

In Appeal Board Nos. 624967 and 624968, the claimant appeals from the decisions of the Administrative Law Judge filed July 7, 2022, insofar as they sustained the initial determinations disqualifying the claimant from receiving benefits, effective June 5, 2021, on the basis that the claimant voluntarily separated from employment without good cause; and charging the claimant with an overpayment of Federal Pandemic Unemployment Compensation benefits of \$3,900.00 recoverable pursuant to Section 2104 (f)(2) of the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020.

At the combined telephone conference hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There were appearances by the claimant and on behalf of the employer.

Based on the record and testimony in this case, the Board makes the following

**FINDINGS OF FACT:** The claimant worked for a retail establishment on and off for approximately 30 years, ending in the position of cashier. Prior to the COVID-19 pandemic, the claimant worked four days per week from 6:00 AM to 4:00 PM. The employer reduced the store's hours once the pandemic set in, and the claimant was reduced from working four ten-hour shifts per week to working four nine-hour shifts.

During her last few months of employment, the claimant repeatedly asked the manager to restore her to working 40 hours per week. The manager did not restore the claimant to a 40-hour schedule. The claimant also asked multiple

times for a raise. The manager informed the general manager of this request, but the claimant did not receive a raise.

The claimant gave the employer two weeks' notice that she was quitting, and she worked through the end of her notice period on June 4, 2021. The claimant quit because she did not get a raise and did not get restored to working 40 hours per week. After filing an unemployment claim, she received \$3,900.00 in FPUC benefits.

OPINION: The credible evidence establishes that the claimant quit her job because her requests for more hours of work and a higher rate of pay were not granted. Significantly, the claimant has not objected to her hours having been reduced. Rather, she objects that the employer did not increase her hours once the claimant felt the reduction was no longer necessary. The claimant's disagreement with the employer's decision about how to run its business, however, does not constitute good cause to quit for purposes of the Unemployment Insurance Law. Also not constituting good cause to quit is the claimant's dissatisfaction with her rate of pay. Accordingly, we conclude that the claimant did not have good cause to quit, and the claimant is disqualified from receiving benefits. Additionally, because the claimant was disqualified, she was not entitled to the \$3,900.00 she received in FPUC benefits. Accordingly, we further conclude that these overpaid benefits are recoverable pursuant to federal law.

DECISION: The decisions of the Administrative Law Judge, insofar as appealed from, are affirmed.

The initial determinations, disqualifying the claimant from receiving benefits, effective June 5, 2021, on the basis that the claimant voluntarily separated from employment without good cause; and charging the claimant with an overpayment of Federal Pandemic Unemployment Compensation benefits of \$3,900.00 recoverable pursuant to Section 2104 (f)(2) of the Coronavirus Aid, Relief and Economic Security (CARES) Act of 2020, are sustained.

The claimant is denied benefits with respect to the issues decided herein.

MICHAEL T. GREASON, MEMBER

Federal law provides that New York State can waive repayment of Pandemic Emergency Unemployment Compensation (PEUC), Federal Pandemic Unemployment

Compensation (FPUC), Lost Wages Assistance (LWA), Mixed Earners Unemployment Compensation (MEUC) or Pandemic Unemployment Assistance (PUA) benefits overpaid to the claimant if the overpayment was not the claimant's fault and repayment would be contrary to equity and good conscience. For more information on the overpayment waiver process and instructions to request a waiver, please visit the New York State Department of Labor's website, <https://dol.ny.gov/overpayment-waiver-and-appeal-process>.